

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL L WASHINGTON,

Plaintiff,

v.

Case No. 12-C-33

ANDREW M MATSON,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO FILE
AN AMENDED COMPLAINT AND FOR DISCOVERY**

Plaintiff Michael Washington has filed a motion seeking leave for the Court to file an Amended Complaint and to compel discovery. (ECF Nos. 19 and 28.) Also pending before the Court is the defendant's motion for summary judgment filed on June 27, 2012. (ECF No. 21.) The motion seeking leave to file an amended complaint is denied. The motion does not comply with the local rules in that the plaintiff has failed to attach a copy of his proposed pleading. *See* L.R. Civil 15(a). This has already been explained to Plaintiff. (ECF No. 17.) Moreover, the attachment he has filed alleges that the defendant filed a false report in order to have plaintiff arrested. It fails to tie the incident to the underlying lawsuit that is at issue here. For this reason as well, the motion will be denied.

With respect to the motion to compel discovery, Washington has attached to his motion a copy of a response from counsel for the defendant. Counsel states that the discovery request was filed too late under the scheduling order previously entered by the Court. Accordingly, counsel has

declined to respond to the discovery request. Plaintiff does not point out in his motion what information he is seeking. Nor has he requested an extension of time to complete discovery or explained why the request was not made earlier. Under these circumstances, the motion will be denied. However, I note that the pending motion for summary judgment requires a response by Plaintiff on or before July 28, 2012. If Plaintiff needs the discovery to respond to the motion and has a good reason why he did not seek it earlier, he may so indicate in his response to the defendant's motion. The Court notes, however, that the motion for summary judgment appears to be based upon events that plaintiff would have personal knowledge of. It should not be necessary, in other words, for plaintiff to obtain information from the defendant in order to point out a factual dispute sufficient to preclude summary judgment if one actually exists. In any event, that motion remains pending and the Court will await plaintiff's response.

Accordingly and for the reasons stated above, Plaintiff's motion to amend (ECF No. 19) and his motion to compel (ECF No. 28) are denied.

SO ORDERED this 11th day of July, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge